



UNITED STATES PATENT AND TRADEMARK OFFICE

K9

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/694,786

10/29/2003

Daniel V. H. Luu

P0999.0053/P053

6077

24998

7590

02/10/2005

DICKSTEIN SHAPIRO MORIN & OSHINSKY LLP

2101 L Street, NW

Washington, DC 20037

EXAMINER

NGUYEN, PHUONGCHI T

ART UNIT

PAPER NUMBER

2833

DATE MAILED: 02/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/694,786	LUU, DANIEL V. H.	
	Examiner	Art Unit	
	Phuongchi Nguyen	2833	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.

☒ Attachment 1.

- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date ____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: ____.

Art Unit: 2833

DETAILED ACTION

1. Applicant's amendment of December 27, 2004 is acknowledged. It is noted that the specification and claims 1, 7, 10 and 16 are amended.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 8-10, 17 and 18 are rejected under 35 U.S.C. 102(b) as being anticipated by Nelser et al (US5562488).

In regarding to claims 1 and 10, Nelser et al discloses a wall plate assembly comprising a wall plate body (10+30) arranged and configured to completely cover an outside face of an existing wall plate (mating plate), the wall plate body (10+30) including a frame (25) having edges that define a space (A) (attachment 1) into which the existing wall plate (mating plate) fits; a set of male plug prongs (19) extending from a back surface (16) of the wall plate body (10+30) (figure 2); circuitry (28A, 28B) providing an electrical function (of 28A, 28B) incorporated into the wall plate body (10+30), the electrical circuitry (28A, 28B) configured to be electrically connected to the male plug prongs (19); at least one plug receptacle (20A) electrically connected to the male plug prongs (19); and an opening (26) (figure 2) formed in the wall plate body (10+30) for accommodating a (mating) outlet receptacle of an electrical (housing) wall outlet around which the existing wall plate (mating plate) is affixed, wherein the opening (26) and the male plug prongs (19) are aligned so that the plug prongs (19) can be inserted into a (mating) upper outlet receptacle of a (housing) wall outlet while a lower outlet receptacle (12) is exposed through and framed by the opening (26).

Art Unit: 2833

In regarding to claims 8 and 17, Nelser et al discloses the (lower) opening (26) accommodates an (lower) outlet receptacle (12) of a standard duplex type of wall outlet (figures 1 and 2).

In regarding to claims 9 and 18, Nelser et al discloses the opening (26) accommodates an outlet receptacle (12) of modern type of wall outlet (figures 1 and 2).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 2-3 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nelser et al (US5562488) in view of Soules (US6087588).

In regarding to claims 2 and 11, Nelser et al discloses the invention, but lacks a night light/an alarm. However, Yu teaches the electrical circuit/device (column 4, lines 1-3) is selected from the group consisting of a night-light, an alarm (column 7, lines 11-12). It would have been obvious to one having ordinary skill at the time the invention was made to modify the connector of Nelser et al by having a night light or an alarm as taught by Soules on a wall plate assembly for having a variety useable function to the users.

In regarding to claims 3 and 12, Nelser et al discloses the invention, but lacks an electroluminescent light. However, Yu teaches the electrical circuit/device is a night light (11a, 11b), and the night-light is formed as an electroluminescent light (column 4, line 26). It would have been obvious to one having ordinary skill at the time the invention was made to modify the

Art Unit: 2833

connector of Nelser et al by having an electroluminescent light as taught by Soules on a wall plate assembly for consuming less power.

In regarding to claims 7 and 16, Nelser et al discloses the invention, but lacks a switch. However, Soules teaches a switch (38 or 47) (figure 6 or 9) provided on the wall plate body/housing unit and electrically connected to the electrical device for controlling the electrical function. It would have been obvious to one having ordinary skill at the time the invention was made to modify the connector of Nelser et al by having an electroluminescent light as taught by Soules on a wall plate assembly for convince in using.

6. Claims 4 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nelser et al (US5562488) in view of Soules (US6087588) as claim 2 above, and further in view of Hoberman et al (US5015994).

In regarding to claims 4 and 13, Nelser et al discloses the invention, but lacks an LED light. However, Hoberman et al teaches the electrical device is a night-light (18), and the night light (18) is an LED light (column 4, lines 7). It would have been obvious to one having ordinary skill at the time the invention was made to modify the wall plate assembly of Nelser et al by having a LED light as taught by Hoberman et al for carrying a variety of the night light function.

7. Claims 5-6 and 14-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nelser et al (US5562488) in view of Soules (US6087588) as claim 2 above, and further in view of Sargent (US6057776).

In regarding to claims 5-6 and 14-15, Nelser et al discloses the invention, but lacks a fluorescent light/an incandescent light. However, Sargent teaches wherein the night-light is a fluorescent light/an incandescent light (column 5, lines 28-30 and column 3, lines 1-2). It would have been obvious to one having ordinary skill at the time the invention was made to modify the

Art Unit: 2833

wall plate assembly of Nelser et al by having a fluorescent light/an incandescent light as taught by Sargent for carrying a variety of the night light function.

Response to Arguments

8. In regard to claims 1 and 10, applicant argues that “Neiser et al does not have a frame...and does not teach or suggest a wall plate that covers an existing wall plate” is not deemed persuasive; because Neiser et al does have the body (10+30) arranged and configured to completely cover an outside face of an existing wall plate (mating plate), the wall plate body (10+30) including a frame (25) having edges that define a space (A) into which the existing wall plate fits.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phuongchi Nguyen whose telephone number is (571) 272-2012. The examiner can normally be reached on 8:00AM-4:00PM.

Art Unit: 2833

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paula Bradley can be reached on (571) 272-2800 ext 33. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

PCN

February 7, 2005



ROSS GUSHI
PRIMARY EXAMINER